

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 11, 2005**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Mill View Centre, Graves Mill Road and Lillian Lane**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Millside Development, LLC, is petitioning for a Conditional Use Permit at the corner of Graves Mill Road and Lillian Lane to construct a Cluster Commercial Development (CCD) in a B-1, Limited Business District. The Planning Commission recommended approval of the CUP because:

- Petition agrees with the *Comprehensive Plan* which recommends office land uses for this area.
- Petition agrees with the Zoning Ordinance in that a Cluster Commercial Development is permitted in a B-1, Limited Business District, with the approval of a CUP from the City Council.
- Petition proposes the use of the site for a Cluster Commercial Development to include approximately 35,000 square feet of office space, an independent living facility, and common use parking.

Section 35.1-14(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

December 22, 2004: Planning Division recommended approval of the CUP.

Planning Commission recommended approval (6-0, with 1 member absent) of the CUP with the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by WW Associates, dated December 6, 2004.
2. The entire site shall be developed according to the requirements of the City's Scenic Corridor Overlay District (SCOD).
3. Since the site plan dated December 6, 2004, is a conceptual plan, plans for each building will be presented to the Planning Division for review prior to construction.
4. The buildings will meet all building code requirements as determined by the Inspections Division.
5. A righthand turn lane subject to approval by the City Traffic Engineer will be provided for traffic turning into the site from Graves Mill Road.
6. An entrance that meets City of Lynchburg standards will be constructed where the rear access road meets Lillian Lane. The existing rear access road will be paved to provide emergency access to the property.
7. Landscaping, buffering, and street tree planting along Graves Mill Road and Lillian Lane will be provided to the satisfaction of the City's Urban Forester and the City Planner.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902

Tom Martin / 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Site Plan
- Narrative

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MILLSIDE DEVELOPMENT, LLC TO CONSTRUCT A CLUSTER COMMERCIAL DEVELOPMENT (CCD) IN A B-1, LIMITED BUSINESS DISTRICT AT MILL VIEW CENTRE, GRAVES MILL ROAD AND LILLIAN LANE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Millside Development, LLC for a Conditional Use Permit to use the property of Mill View Centre, Graves Mill Road and Lillian Lane to construct a Cluster Commercial Development (CCD) be and the same is hereby approved subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by WW Associates, dated December 6, 2004.
2. The entire site shall be developed according to the requirements of the City's Scenic Corridor Overlay District (SCOD).
3. Since the site plan dated December 6, 2004, is a conceptual plan, plans for each building will be presented to the Planning Division for review prior to construction.
4. The buildings will meet all building code requirements as determined by the Inspections Division.
5. A righthand turn lane subject to approval by the City Traffic Engineer will be provided for traffic turning into the site from Graves Mill Road.
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7. Landscaping, buffering, and street tree planting along Graves Mill Road and Lillian Lane will be provided to the satisfaction of the City's Urban Forester and the City Planner.

Adopted:

Certified:

Clerk of Council

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: December 22, 2004
Re: **CONDITIONAL USE PERMIT (CUP): Mill View Centre, Graves Mill Road.**

I. PETITIONER

Millside Development, LLC, 7806 Timberlake Road, Lynchburg, VA 24502

Representative: Chris Gentry, Millside Development, LLC, 7806 Timberlake Road, Lynchburg, VA 24502

II. LOCATION

The subject property is a tract of approximately 10.3 acres located on Graves Mill Road.

Property Owners: Millside Development, LLC, 7806 Timberlake Road, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to allow construction of a Cluster Commercial Development (CCD) to include approximately 35,000 square feet of office space and common use parking facilities. An independent living facility, with approximately 120 units, is also included in the proposal.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends office land uses for this area.
- Petition agrees with the Zoning Ordinance in that a Cluster Commercial Development is permitted in a B-1, Limited Business District, with approval of a CUP from City Council.
- Petition proposes the use of the site for a Cluster Commercial Development to include approximately 35,000 square feet of office space, an independent living facility, and common use parking.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an office use for this area. The proposed Cluster Commercial Development with office space and common use parking areas is appropriate. The independent living facility is acceptable in this location since it will be adjacent to similar facilities currently in operation.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1, Limited Business District, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. Cluster Commercial Developments are allowed in B-1 districts with a conditional use permit approved by City Council.

A Cluster Commercial District (CCD) is intended to provide for flexibility in the planning of certain tracts of land, under single or multiple ownership, through the modification of certain lot, setback, and use restrictions. Developments under these regulations should provide for increased amenity, safety, and other public and private benefits, as well as reduced public and private costs. These districts are generally characterized by a unified or planned clustering of development served by a common parking area with a common means of ingress and egress. These developments should be designed to decrease traffic congestion and reduce distractions from such sources as signs and artificial lighting.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the Cluster Commercial Development as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 4/14/1981: City Council approved the rezoning petition of Iseman to rezone approximately 8.0 acres of property at the end of Omega Street from R-1, Single Family Residential District, to R-2, Single Family Residential District (Conditional).

- 8/12/1986: City Council approved a Conditional Use Permit (CUP) for Dreaming Creek Properties to construct a Cluster Commercial Development at the intersection of Old Graves Mill Road and Graves Mill Road.
 - 12/8/1987: City Council approved the rezoning petition of Hutter Associates, Inc. to rezone approximately 63 acres in the Creekside area, from R-1, Single-Family Residential District, to B-5, General Business District (Conditional), and R-4, Multi-family Residential District, to allow speculative development of commercial and multifamily uses.
 - 1/12/1999: City Council approved the rezoning petition of Petrie, Dierman, and Kughn to rezone several parcels in the Creekside area from B-5, General Business District (Conditional) to B-5, General Business District (Conditional), to allow construction of a retail development. At the same time, Council approved a Conditional Use Permit (CUP) from the same petitioner to permit filling in the floodplain.
 - 9/12/2000: City Council approved a Conditional Use Permit (CUP) for First Assembly of God to construct a church and parking area at 1208 Graves Mill Road.
 - 12/12/2000: City Council approved a Conditional Use Permit (CUP) for Lowe's Home Centers, Inc. to allow the petitioner to fill in the floodplain at Creekside Drive and Graves Mill Road.
 - 8/13/2002: City Council approved a Conditional Use Permit (CUP) for Miller-Motte Technical College to allow the petitioner to establish a technical college for up to 250 students at 1011 Creekside Drive.
 - 7/13/2004: City Council approved a Conditional Use Permit (CUP) for Home Depot to allow the petitioner to fill in the floodplain at 1200 Graves Mill Road.
5. **Site Description.** The subject property is bounded to the north by another independent living facility and Alzheimer's care facility. A firm of attorneys has an office adjacent to the property on the west and a bank is located further west across Lillian Lane. To the east, the property is bounded by largely vacant land with a few homes. To the south, across Graves Mill Road, is the Bausch & Lomb facility. The proposed entrance to the CCD from Graves Mill Road is directly opposite the shipping/receiving entrance to Bausch & Lomb.
6. **Proposed Use of Property.** The purpose of the CUP is to allow construction of a Cluster Commercial Development (CCD) with approximately 35,000 square feet of office space and common use parking facilities, along with an independent living facility with approximately 120 units.
7. **Traffic and Parking.** These comments have been prepared with the advice of the City Traffic Engineer. The Traffic Engineer has verified that sight distances at the proposed entrance to the development are more than adequate. He has prepared estimates of trip generation for the proposed office uses and independent living facility and has concluded that the amount of traffic entering or leaving the site during peak hours will not cause problems on Graves Mill Road. His concern is that there are few "gaps" in traffic that are long enough for vehicles to turn left out of the site onto Graves Mill Road; cars will be sitting and waiting for an opportunity to turn left. However, the traffic signal at Graves Mill Road and Mill Race Drive together with the signal included in the relocation of Old Graves Mill Road will help increase the number and length of gaps in oncoming traffic.

At this time, even with the new development, there is insufficient traffic to justify a traffic signal at the entrance to the proposed development or at Lillian Lane. Traffic on Graves Mill Road does speed past the site, so when the first new buildings open for business, message boards will be displayed along Graves Mill Road to warn drivers of the new traffic pattern. The use of Lillian Lane for access to Graves Mill Road is also encouraged.

A left turn lane into the site is not required because Graves Mill Road has four lanes.

The right turn lane shown on the site plan should be at least 150 feet in length and have a 75-foot taper. The Traffic Engineer does not recommend an acceleration lane, but he does recommend a wider entrance radius.

8. **Storm Water Management.** New impervious areas will exceed 1,000 square feet; as such, a stormwater management plan will be required for the construction. Stormwater management for Mill View Centre will be accomplished through the use of a permanent detention facility at the low end of the property. Preliminary drainage calculations indicate that the receiving channel is adequate for the site's stormwater.

Stormwater quality will be addressed through biofilters that will be installed within the planted parking lot islands. The biofilters will be tied back into the storm drainage system for the site. In addition, other planted areas with openings in the curb at low points will allow stormwater to filter back into the ground and provide some detention throughout the development. The biofilters and landscaped areas will allow debris such as sediment and grit present in the stormwater to settle to the bottom filter which can then be removed through a regular maintenance schedule.

9. **Impact.** This site is currently vacant. Adding office buildings and an independent living facility constructed according to Scenic Corridor Overlay District standards will result in a compact, attractive development. The office buildings will provide new, modern space for various businesses. The independent living facility will be set back from the street and buffered by the office buildings. The same company that operates the two facilities on Lillian Lane is expected to operate the proposed independent living facility.
 10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 2, 2004, and for a second time on November 30, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval or during review of the individual buildings.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Millside Development, LLC for a conditional use permit at Graves Mill Road for the use of a Cluster Commercial Development (CCD) in a B-1, Limited Business District, subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by WW Associates, dated December 6, 2004.
2. The entire site shall be developed according to the requirements of the City's Scenic Corridor Overlay District (SCOD).
3. Since the site plan dated December 6, 2004, is a conceptual plan, plans for each building will be presented to the Planning Division for review prior to construction.
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6. An entrance that meets City of Lynchburg standards will be constructed where the rear access road meets Lillian Lane. The existing rear access road will be paved to provide emergency access to the property.
7. Landscaping, buffering, and street tree planting along Graves Mill Road and Lillian Lane will be provided to the satisfaction of the City's Urban Forester and the City Planner.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner

Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Chris Gentry, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Narrative

(see attached narrative)

5. Rendering of Similar Independent Living Facility

(see attached rendering)

MINUTES FROM THE DECEMBER 22, 2004 PLANNING COMMISSION MEETING

These minutes have been reviewed by but not approved by the Planning Commission

Petition of Millside Development, LLC, for a Conditional Use Permit to construct a Cluster Commercial District at Graves Mill Road and Lillian Lane in a B-1, Limited Business District.

Mr. Martin explained that the project as proposed was in compliance with the City's Comprehensive Plan, which recommended an office use for the subject property. He continued by saying that since the proposed independent living units were in close proximity to other similar type uses this project should fit well into the area. He added that the City's Traffic Engineer had recommended a right turn lane into the site from Graves Mill Road although a traffic signal was not warranted at this time. Mr. Martin said that a paved secondary emergency access to the property would be provided from Lillian Lane, which was currently an existing gravel drive. He explained that stormwater management would be addressed by a permanent detention facility at the southeastern corner of the property, and added that the site was adequately buffered and landscaped and would be in compliance with the Scenic Corridor Overlay District requirements. Mr. Martin concluded by saying that the Planning Division recommended approval of the CUP with conditions outlined in the Planning Commission Report.

Mr. Chris Gentry, Milton Realty Company, 7806 Timberlake Road and member of Millside Development, LLC, and Mr. Tom Guffey, WW Associates represented the petition.

Mr. Gentry explained that the property was on the north side of Graves Mill Road near the intersection of Lillian Lane, with a total acreage of 10.3 acres. He said this development would be a Commercial Cluster Development with between 35,000 to 40,000 square feet of office space and an additional independent living facility with up to 120 units. He noted that they already had some commitments for office space as well as the independent living facility, so the entire project was not speculative. Mr. Gentry explained that they were asking for some flexibility of the size and location of the buildings, but would submit development plans for each building to the Planning Division prior to construction. By doing this, he added, the City would have an opportunity to review each plan independently to make sure they comply with all of the requirements, including those of the Scenic Corridor Overlay District. He said the site would be served by public water and they had already met with representatives from the City concerning extending the sewer lines to the site. Mr. Gentry noted that the stormwater management would be contained on site.

Mr. Gentry told the Commissioners that they should have received a copy of a rendering of a similar independent living facility, which would have a maximum of fifteen (15) employees on site at any one time and a project cost of approximately \$12 million. He said the construction materials and façade would be in keeping with the overall development, and added that the proposed office buildings would be of brick construction with some ornamental features. He added that at least one building would be a two-story structure, but the other buildings would be single story structures. He said that the number of parking spaces for the proposed development outnumbered the amount of spaced required by the City. Mr. Gentry concluded by saying that the entrance to the site was designed according to recommendations from the staff, and there would be an additional emergency access.

Ms. Gidget Spencer, Dawson, Ford, Garbee Realtors, explained that she had the property across from this development listed for sale, which was in the name of Josephine Hanks. Ms. Spencer introduced Mrs. Hanks' daughter, Cathy Ann Gray, who was acting as her mother's Power of Attorney. Ms. Spencer said they had some questions concerning the development and what would happen with the gravel road, which was the only access to Mrs. Hanks' lot. She said this property was 8 ¾ acres, and was zoned B1.

Ms. Gray said her mother's property was being used for residential, but was zoned B1 and B2.

Ms. Spencer said their questions were concerning the future of the gravel road and the view from Mrs. Hanks' property being that of the back of the independent living facility. She asked if they would possibly be looking at dumpsters, trash and parking lots, or an area that was nicely developed. She said the gravel road was currently only wide enough for one car, and asked if the road would be paved wide enough for two vehicles to pass. Ms. Spencer asked about improvements to the entryway. She added that there were currently red-tag markers on part of Mrs. Hanks' property, and wondered what the tags were marking and why Ms. Gray had not been contacted to discuss the plans.

Mr. Gentry gave a rebuttal, explaining that the gravel road was the right-of-way to serve the residents beyond the subject site. He said what the developer was proposing to do was to pave the gravel road from Lillian Lane to just past their last entrance to the subject project. He noted that they did not have the ability to increase the width of the right-of-way. He added that they would only use the gravel road for emergency access since there was an adequate entrance on the front

to serve the development. Mr. Gentry said as a convenience and for emergencies they would rather have a paved driveway for ease of maintenance and snow removal. He explained that the backside of the building would be designed similar to the front side of the building, which would be residential in nature. He said they would have a kitchen and dining facility, so there would have to be trash pickup, but they would meet the requirements of the City to hide the dumpsters.

Mr. Martin said the dumpsters were required to be screened.

Commissioner Bacon asked if chains would be placed across the two entrances to the site from Lillian Lane since they were only being used for emergency access.

Mr. Gentry said they could block the entrances with chains, but they were not necessarily policing the neighboring residents from using their entrances.

Mr. Guffey explained the red tags by saying that the proposed site had been timbered three or four months ago and he thought who ever cut the timber probably tied some additional flags so they could distinguish where the adjoining property line was.

Commissioner Bacon asked if the units in the assisted living center would be rented or sold.

Mr. Gentry explained that the company who owned and operated the adjacent Alzheimer Care Facility was the company proposing the independent living center. He added that the proposed facility would be like a hotel with three meals a day provided, but the residents must be fully capable of taking care of themselves as there would be no skilled caregivers employed.

Ms. Gray commented that an emergency exit should have two lanes instead of just one lane. She said she believed that the property owner had rights to the middle of the road, so she would have to give the petitioner authorization to pave the road.

Mr. Martin said due to the right-of-way crossing several owners' properties, the developer would have to obtain additional right-of-ways from all three property owners in order to increase the road from one lane to two lanes.

Commissioner Hamilton asked Ms. Gray how she felt about the road being paved.

Ms. Gray said it did not bother her that the road would be paved. She said she was just concerned about having a one-lane road being used for an emergency exit.

The Commissioners thought paving the road, even though it would only be one lane wide, would be an improvement to the area.

After discussion, Commissioner Hamilton made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

That the Planning Commission recommends to the City Council approval of the petition of Millside Development, LLC for a conditional use permit at Graves Mill Road for the use of a Cluster Commercial Development (CCD) in a B-1, Limited Business District, subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by WW Associates, dated December 6, 2004.
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AYES:	Bacon, Dahlgren, Echols, Flint, Hamilton, Worthington	6
NOES:		0
ABSTENTIONS:		0

MILLSIDE DEVELOPMENT, LLC

#1902 Graves Mill Road, Litten Lane

Vol. Map # 240-10-001/3

Conditional Use Permit Request

Petitioner: Millside Development, LLC

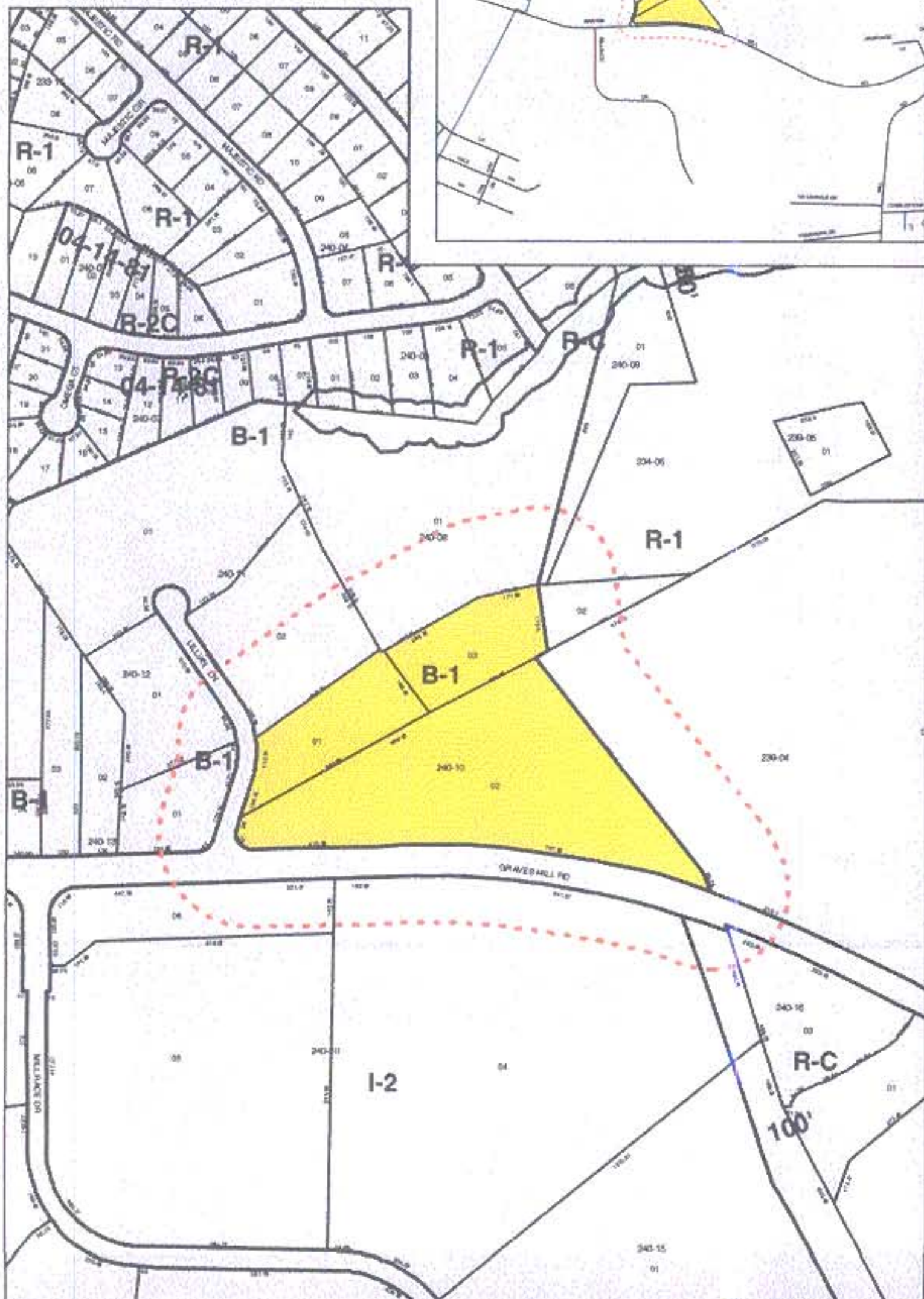
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property

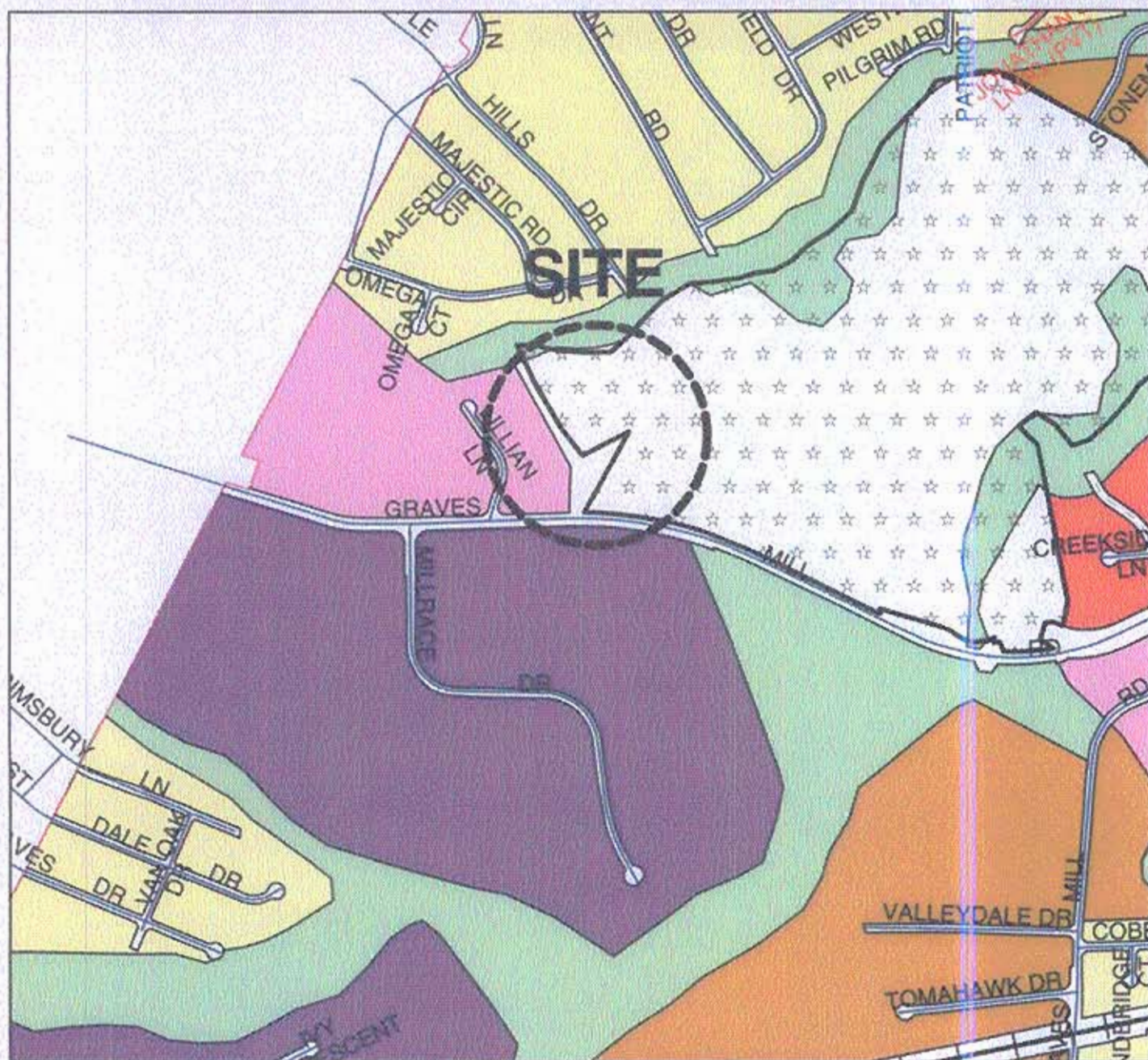


200 ft Radius



MILLSIDE DEVELOPMENT, LLC
Graves Mill Road and Lillian Lane

PIN	OWNER
24010004	BAUSCH & LOMB INCORPORATED C/O REAL ESTATE DEPT
24013001	COMMUNITY FIRST BANK
24009001	GOFF JAMES E & BRENDA
24018002	GRAVES EDWARD S III &
24010003	HALLS QUALITY MASONRY INC
24008001	HANKS JAMES C & JOSEPHINE L
24010006	INDUSTRIAL DEVELOPMENT AUTHORITY
24010002	MILLSIDE DEVELOPMENT L L C
24011002	ONE LYNCHBURG LLC
23904004	ROSEDALE FARM LLC C/O PAUL G GRAVES
23405002	SKINNER NELLIE D
24009002	STANBERRY FRED W JR & SUSAN P
24010001	T S D PROPERTIES
24012001	TWO LYNCHBURG LLC C/O LINDA HANKIN
Owners	T S D PROPERTIES
	MILLSIDE DEVELOPMENT L L C
	HALLS QUALITY MASONRY INC
Petitioner	MILLSIDE DEVELOPMENT L L C
Representative	CHRIS GENTRY C/O MILLSIDE DEVELOPMENT LLC



- Public Parks
- Resource Conservation
- Public Use
- Institution
- Downtown
- Office
- Employment 1
- Employment 2
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Residential
- Local Historic District
- Mixed Land Use

MILLSIDE DEVELOPMENT 1602 GRAVES MILL ROAD, LILLIAN LANE LAND USE PLAN



Project Narrative

Mill View Centre

SEC 10 204
 10000 PLAN

The development is located on the north side of Graves Mill Road at its intersection with Lillian Lane.

The property involved would consist of 10.3± acres which would include TMP 240-10-02, 240-10-03 and a portion of TMP 240-10-01. The site would be developed as a business park which would provide cluster development of approximately 35,000 square feet of office space and common use parking facilities. A request for a Conditional Use Permit to allow for a Cluster Commercial Development has been applied for. The developer has commitments, for office space, from several businesses contingent on the approval of this request. The location and size of the buildings will need to be adjusted to satisfy the individual requirements of independent businesses. However, the developer has agreed to submit development plans on each building to the Planning Department. This allows the Planning Department to review each building developed to insure that it is harmonious with the concept and that other requirements for landscaping building facades and other City requirements are met. The largest building shown is a proposed three story, independent living facility (with approximately 120 units) which is now under consideration. Attached is a picture of a similar facility.

The site is presently served by public water, which would be extended into the development, and fire protection would be provided to meet the requirements of the City of Lynchburg Fire Department. The developer has met with Mary Jane Russell of the Industrial Development Authority and an agreement has been reached to extend sanitary sewer to the boundaries of the property. The developer would construct a sanitary sewer collection system within the development that would outfall to this sewer extension. An area has been allocated to provide storm water detention and the development of this facility would be coordinated with Kent White, the City of Lynchburg's Environmental



Planner. All requirements of the Department of Environmental Quality will be met and permits acquired.

Landscaping, buffering, and street tree planting will be provided in accordance with the Cities Urban Forester and the Planning Department. The Traffic Engineer for the City of Lynchburg has reviewed the entrance and concluded that sight distance is more than adequate in both directions and that he would require a right hand turning lane which has been incorporated into the concept plan. There exists a 15' access road along the north side of the property which ties to Lillian Lane. A City of Lynchburg standard entrance would be constructed on Lillian Lane and the existing access road would be paved to provide emergency access to the property.



A Project by
National Commonlife Communities, LLC
755 Business Center Drive, Suite 200
Morlattan, PA 15068
610-444-3500

The Villa at Morlattan

**A Senior Living Community
Douglassville, Pennsylvania**

Olsen + deTurck Architects
1901 Bernville Road
Reading, PA 19601
610-371-9606